

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION

DANIEL LEE KNOD §
v. § CIVIL ACTION NO. 6:11cv342
DIRECTOR, TDCJ-CID §

MEMORANDUM ADOPTING REPORT AND RECOMMENDATION
OF THE UNITED STATES MAGISTRATE JUDGE
ON PETITIONER'S MOTION TO ALTER OR AMEND THE JUDGMENT

The Petitioner Daniel Knod, proceeding *pro se*, filed this application for the writ of habeas corpus under 28 U.S.C. §2254 complaining of prison disciplinary action taken against him. This Court ordered that the case be referred to the United States Magistrate Judge pursuant to 28 U.S.C. §636(b)(1) and (3) and the Amended Order for the Adoption of Local Rules for the Assignment of Duties to United States Magistrate Judges.

Knod complained of a disciplinary case which he received on March 7, 2011, for failure to obey an order. The Magistrate Judge ordered the Respondent to answer the petition. After review of the pleadings and records, the Magistrate Judge recommended that the petition be denied. The Court adopted this recommendation over Knod's objections and dismissed the petition on February 23, 2012.

On February 23, 2012, Knod filed a motion to alter or amend the judgment. After review of this motion, the Magistrate Judge issued a Report recommending that the motion be denied. A copy of this Report was sent to Knod at his last known address, return receipt requested, but no objections have been received; accordingly, Knod is barred from *de novo* review by the district judge of those findings, conclusions, and recommendations and, except upon grounds of plain error, from appellate review of the unobjection-to proposed factual findings and legal conclusions accepted and adopted

by the district court. Douglass v. United Services Automobile Association, 79 F.3d 1415, 1430 (5th Cir. 1996) (*en banc*).

The Court has reviewed the Petitioner's motion to alter or amend the judgment, as well as the Report of the Magistrate Judge. Upon such review, the Court has concluded that the Report of the Magistrate Judge is correct. *See United States v. Wilson*, 864 F.2d 1219, 1221 (5th Cir.), *cert. denied*, 492 U.S. 918, 109 S.Ct. 3243 (1989) (where no objections to a Magistrate Judge's Report are filed, the standard of review is "clearly erroneous, abuse of discretion and contrary to law.") It is accordingly

ORDERED that the Report of the Magistrate Judge (docket no. 22) is hereby ADOPTED as the opinion of the District Court. It is further

ORDERED that the Petitioner's motion to alter or amend the judgment in this case (docket no. 21) is hereby DENIED.

It is SO ORDERED.

SIGNED this 24th day of July, 2012.



MICHAEL H. SCHNEIDER
UNITED STATES DISTRICT JUDGE